

The Present Invention

The present invention relates to a hang tag that is capable of automatically and permanently being attached to an elongated object by a machine having at least one jaw suitable for applying a securement strap to an object. The hang tag comprises a first surface, a second surface, and a slot defined therebetween. The slot has minimum dimensions of at least about 0.25 inches by about 1 inch and is thus large enough to be capable of permitting the jaw to travel through the slot so that the securement strap can be threaded through the slot automatically by the jaw of the machine.

The Pending Claims

Claims 14-28, directed to a hang tag capable of automatically and permanently being attached to an elongated object by a machine suitable for applying a securement strap to an object, are pending currently. Reconsideration of the pending claims is respectfully requested.

The Amendments to the Specification

The Brief Description of the Drawings has been amended at the bottom of page 8 and the top of page 9 so as to rename FIG. 9 as FIG. 9A and also to insert the description of FIG. 9B, which is a side view of FIG. 9A. Both FIGS. 9A and 9B show the grommet 77, as required by the Office Action. In addition, the paragraph beginning at page 16, line 33, has been revised to insert the reference numeral 77 for the grommet already mentioned in the paragraph. No new matter has been added by way of these Amendments.

The Amendments to the Claims

The claims have been amended so as to point out more particularly and claim more distinctly the subject matter of the invention. In particular, the preamble of claim 14 has been amended with respect to form to clarify that the machine has at least one jaw and that the hang tag is permanently attached. Also, the body of claim 14 has been revised to recite the feature that the dimensions of the slot are large enough to be capable of permitting the jaw to travel through the slot so that the securement strap can be threaded through the slot

automatically by the jaw of the machine. Support for these amendments can be found throughout the specification; see, e.g., page 2, line 7; page 6, lines 26-27 and 33-36; page 15, lines 31-36; page 20, lines 3-5; and in various figures.

In addition, claims 15 and 16 have been revised to affirmatively recite the feature that the hang tag comprises at least one edge and to delete the reference to the "hang tag" in the body of the claim. Claims 17 and 18 have both been divided into two separate claims. Claim 17 has been revised to delete the phrase "or substantially elongated" while claim 18 has been revised to delete the phrase "or substantially rectangular". New claim 25 recites the feature that the slot is substantially elongated and new claim 26 recites the feature that the slot is substantially rectangular.

New independent claims 27-28 have also been added. Particularly, new claim 27 incorporates the features of claim 14 but also recites the feature that the slot is provided at least 0.1 inches from any edge, that the slot has at least one arcuate edge, that at least a portion of the hang tag is formed of a material selected from the group consisting of a polyethylene, polystyrene, polyolefins, polyphenylene, polycarbonate, polyvinylchloride, nylons, acrylics, aluminum, and combinations thereof, and at least a portion of the hang tag is formed of a cross-laminated material. New claim 28 is similar to claim 27 but recites the features that the slot has minimum dimensions of at least about 0.312 inches by about 1.25 inches and that the slot is provided at least 0.15 inches from any edge.

No new matter has been added by way of any of these amendments.

Separate documents setting forth (a) the precise changes to the specification and the claims, as well as (b) the text of all of the pending claims, are enclosed herewith.

Summary of the Office Action

The Office Action requires that a grommet be shown in the drawings. In addition, the Office Action rejects claims 15-20 under 35 U.S.C. § 112, second paragraph, as being indefinite. With respect to prior art, the Office Action rejects claims 14-19 and 23-24 under 35 U.S.C. § 102(b) as being anticipated by Swett, Jr. (i.e., U.S. Patent 2,328,691) and rejects claims 14-20 and 24 under 35 U.S.C. § 102(b) as being anticipated by DeWoskin (i.e., U.S. Patent 4,914,843). Lastly, claims 21-22 stand rejected under 35

U.S.C. § 103(a) as being obvious over Swett, Jr. in view of Machlica (i.e., U.S. Patent 5,910,353).

Discussion of the Indefiniteness Rejection

The indefiniteness rejections are moot in view of the revised pending claims.

With respect to claim 15-16 and 20, the term “hang tag” has been deleted from the body of those claims.

In claims 17-18, the alternative language of “or” has been deleted and each of those claims have been split into two claims.

Since all of the pending claims satisfy the requirements of 35 U.S.C. § 112, the rejections thereunder should be withdrawn.

Discussion of the Anticipation and Obviousness Rejections

The anticipation and obviousness rejections are moot in view of the revised pending claims. In this respect, the anticipation rejections are predicated on Swett, Jr. and DeWoskin. The present invention (as defined by the revised pending claims), however, is quite different than Swett, Jr. and DeWoskin, and there is no reasonable suggestion in Swett, Jr., DeWoskin, or in Machlica for that matter, as to how to achieve the present invention.

In particular, in order to more aptly recite the features of the invention, independent claim 14 has been revised to recite the features that the hang tag can be *permanently* attached to the elongated object, that the machine has at least one jaw, and that the size of the slot is large enough *so as to be capable of permitting at least one jaw of the machine to travel through the slot so that the securement strap can be threaded through the slot automatically by the jaw of the machine*. Since claims 15-26 depend from claim 14, directly or indirectly, those claims also recite these features. Since new independent claims 27-28 also recite these features, all of the revised pending claims include these features.

The cited references, alone or in combination, do not meet at least these features of claims 1-5 and 7-14. For example, none of the cited references disclose a tag that is designed to remain permanently affixed. In addition, none of the cited references,

explicitly or inherently, discloses, suggests or even hints of a slot that has minimum dimensions of at least about 0.25 inches by about 1 inch so as to be capable of permitting at least one jaw of the machine to travel through the slot so that the securement strap can be threaded through the slot automatically by the jaw of the machine, as recited in the revised pending claims. By attaching the securement strap automatically via a jaw that can travel through the slot, the result is that the hang tag can be permanently affixed to the elongated object.

In distinct contrast, Swett, Jr. pertains to detachment of paper baggage checks. According to Swett, Jr., the tag is intended to be later torn off, unlike the hang tag of the invention, which is designed to be permanently affixed. Swett, Jr. does not suggest a slot that is 0.25 inches by about 1 inch and is thus large enough to be capable of permitting a jaw of a machine to travel through the slot so that the securement strap can be threaded through the slot automatically by the jaw of the machine. There is nothing in the Swett Jr. patent, explicitly or inherently, that discloses or suggests making the slot large to permit a jaw of a machine to travel through it, nor is there any suggestion that such a large slot would even be desirable.

DeWoskin describes a band that is tied to a hospital patient. The band is not designed to be permanently affixed as is the case with the design of the hang tag of the invention. Furthermore, there is nothing in DeWoskin, explicitly or inherently, that suggests a slot that is 0.25 inches by about 1 inch and is thus large enough to be capable of permitting the jaw to travel through the slot so that the securement strap can be threaded through the slot automatically by the jaw of the machine.

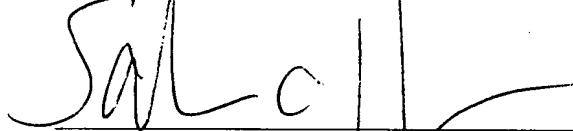
Furthermore Machlica does not satisfy the deficiencies of Swett, Jr. and DeWoskin with respect to revised pending claims 14-28. In this regard, none of Machlica, Swett, Jr. and DeWoskin, alone or in combination, discloses or suggests the inventive hang tag or its attendant advantages, particularly, a hang tag that is permanently affixed to an elongated object and which comprises a slot having minimum dimensions of at least about 0.25 inches by about 1 inch so as to be capable of permitting at least one jaw of a machine to travel through the slot so that the securement strap can be threaded through the slot automatically by the jaw of the machine, as recited in the revised pending claims.

Since the cited references do not disclose nor reasonably suggest the present invention as defined by the pending claims, the present invention is patentable over the cited references. Accordingly, the anticipation and obviousness rejections should be withdrawn and the application allowed.

Conclusion

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



Salim A. Hasan, Reg. No. 38,175
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson
Chicago, Illinois 60601-6780
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

Date: February 27, 2002

RECEIVED
MAR 18 2002
GROUP 3600

In re Appln. of Doerr
Application No. 09/771,430



COPY PAPERS
ORIGINALLY FILED

CERTIFICATE OF MAILING

I hereby certify that this RESPONSE TO OFFICE ACTION (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.

Date: February 27, 2002

Debbie Hale

RECEIVED
MAR 18 2002
GROUP 3600



COPY OF PAPERS
ORIGINALLY FILED

PATENT
Attorney Docket No. 208892

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Doerr et al.

Application No. 09/771,430

Art Unit: 3628

Filed: January 26, 2001

Examiner: A. Chop

RECEIVED

MAR 18 2002

For: HANG TAG AND METHOD OF
APPLYING HANG TAG TO AN
ELONGATED OBJECT

GROUP 3600

**AMENDMENTS TO SPECIFICATION AND CLAIMS MADE IN RESPONSE
TO OFFICE ACTION DATED AUGUST 27, 2001**

Amendments to the paragraph beginning at page 8, line 35:

FIG. [9] 9A depicts an exemplary hang tag in accordance with the present invention; [and]

At page 9, line 1, insert:

FIG. 9B is a side elevational view of the exemplary hang tag shown in FIG. 9A, in accordance with the present invention; and

Amendments to the paragraph beginning at page 16, line 33:

Preferably, the hang tag 78 is formed of an oriented, cross-laminated film. It is noteworthy that a cross-laminated film differs from a cross-linked product. In this respect, a cross-laminated film pertains to a multi-ply product that includes individual plies that are positioned so that their orientation directions are at 45° angles in structure, thereby achieving desirable tensile and tear properties, in accordance with embodiments of the present invention. For example, the cross-laminated film can be formed as an extruded product using blown film technology. One example of a commercially available cross-laminated material is C2S Valeron Film (e.g., 7.5 mil), which is available from Van

Leer Strength Films, Houston, Texas. The C2S Valeron Film includes 4 oriented strength plies, 3 lamination plies, a clay coating, and a binder in the clay coating that promotes adherence to the Valeron film. A thin layer of polyethylene is present between each of the oriented plies. However, it is to be noted that the hang tag 78 does not need to be cross-laminated inasmuch as the hang tag 78 could be reinforced in another manner, such as, for example, the use of a grommet 77 which could be made of metal (e.g., brass) or plastic.

Amendments to existing claims:

14. (Amended) A hang tag capable of automatically and permanently being attached to an elongated object by a machine having at least one jaw suitable for applying a securement strap to an object, the hang tag comprising:

a first surface, a second surface, and a slot defined therebetween, wherein said slot has minimum dimensions of at least about 0.25 inches by about 1 inch so as to be capable of permitting the jaw to travel through the slot so that the securement strap can be threaded through the slot automatically by the jaw of the machine.

15. (Amended) The hang tag of claim 14, further comprising at least one edge, wherein said slot is provided more than about 0.10 inches from [any] each edge [of said hang tag].

16. (Amended) The hang tag of claim 14, further comprising at least one edge, wherein said slot is provided at least 0.15 inches from [any] each edge [of said hang tag].

17. (Amended) The hang tag of claim 14, wherein said slot is elongated [or substantially elongated].

18. (Amended) The hang tag of claim 17, wherein said slot is rectangular [or substantially rectangular].

20. (Amended) The hang tag of claim 14, wherein at least a portion [of the hang tag] is formed of a material selected from the group consisting of polyethylene, polystyrene, polyolefins, polyphenylene, polycarbonate, polyvinylchloride, nylons, acrylics, aluminum, and combinations thereof.

The following new claims are added:

25. (Newly Added) The hang tag of claim 14, wherein said slot is substantially elongated.

26. (Newly Added) The hang tag of claim 17, wherein said slot is substantially rectangular.

27. (Newly Added) A hang tag capable of automatically and permanently being attached to an elongated object by a machine having at least one jaw suitable for applying a securement strap to an object, the hang tag comprising:

a first surface, a second surface, and a slot defined therebetween; wherein said slot has minimum dimensions of at least about 0.25 inches by about 1 inch so as to be capable of permitting the jaw to travel through the slot so that the securement strap can be threaded through the slot automatically by the jaw of the machine; wherein said slot is at least 0.1 inches from any edge of said hang tag; wherein said slot has at least one arcuate edge; wherein at least a portion is formed of a material selected from the group consisting of a polyethylene, polystyrene, polyolefins, polyphenylene, polycarbonate, polyvinylchloride, nylons, acrylics, aluminum, and combinations thereof; and wherein at least a portion is formed of a cross-laminated material.

28. (Newly Added) A hang tag capable of automatically and permanently being attached to an elongated object by a machine having at least one jaw suitable for applying a securement strap to an object, the hang tag comprising:

a first surface, a second surface, and a slot defined therebetween, wherein said slot has minimum dimensions of at least about 0.312 inches by about 1.25 inches so as to be

capable of permitting the jaw to travel through the slot so that the securement strap can be threaded through the slot automatically by the jaw of the machine; wherein said slot is at least 0.15 inches from any edge of said hang tag; wherein said slot has at least one arcuate edge; wherein at least a portion is formed of a material selected from the group consisting of a polyethylene, polystyrene, polyolefins, polyphenylene, polycarbonate, polyvinylchloride, nylons, acrylics, aluminum, and combinations thereof; and wherein at least a portion is formed of a cross-laminated material.

APPROVED
A.C.
5/2/02

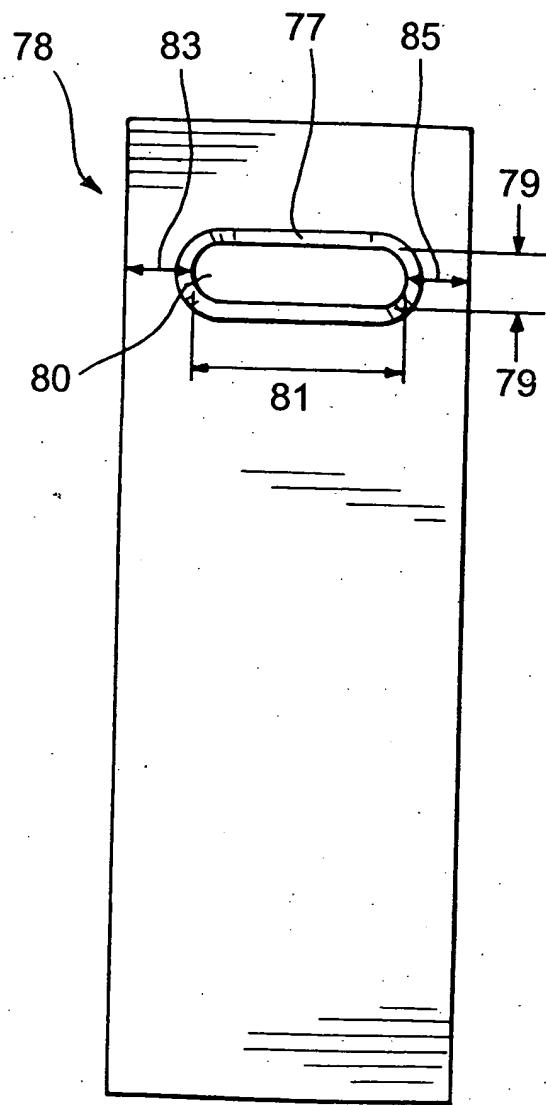


Fig. 9a

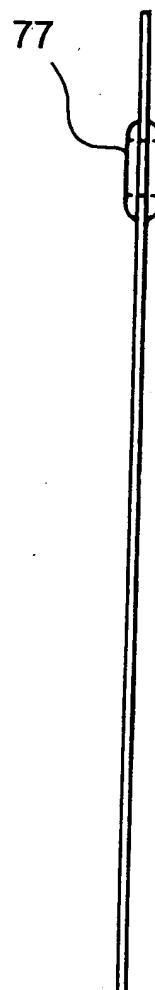


Fig. 9b